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PLEASE TELECOPY TO D. E. PARK AT
BATON ROUGE PLANT AND
S. MCWILLIAMS AT EDWIN COOPER
IN SAUGET, IL.

D. C. BACH - 9

DRAFT 5/8/84 - DCB

ETHYL CORPORATION

LAW DEPARTMENT

May 8, 1984

ETHYL TOWER
401 FLORIDA
BATON ROUGE, LA. 70801

Roger Field, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, IL 60604

Dear Mr. Field:

This letter is to confirm our discussions of the last few days.

The principal technical "sticking point" was whether to remove and containerize soil along the railroad track that may have 1 ppb or more 2378-TCDD. Since this point will be discussed on Wednesday morning, it may be useful to reiterate our thoughts on the matter. First, removal of such soil would entail more dusting than the project we have described previously. Second, there is no information that indicates that any 2378-TCDD has migrated or will migrate from the site, especially if the site is sealed to prevent dusting (and not incidentally to minimize percolation). This is because dioxin is practically insoluble in water, and, as Judy Parson informed you, the materials used in production of Agent Orange by Monsanto Co. and materials used by Edwin Cooper are not such as would solubilize dioxin. Third, since, to our knowledge, there is no approved method of disposal of dioxin contaminated soil, removal and containerization is no solution to the problem. We are concerned that movement of the soil simply moves the problem without solving it. Leaving the soil sealed in place may be judged after full investigation to be the final solution to the problem, but removing the soil and containerizing will not be the final solution.

We also question the appropriateness of the 1 ppb removal threshold you have suggested. The 1 ppb criteria was established by CDC for a residential area, assuming 24 hour a day exposure, for 70 years, and assuming ingestion of specific amounts of dirt and associated 2378-TCDD. If the surface is adequately sealed, there is no reasonable possibility that such exposure will occur in our industrial plant. (It is also possible that such exposure would not occur even without sealing the surface.)

Your comments on the quality assurance plans were, except for the recommendation to substitute EPA's chain of custody form, general in nature. That is, EPA commented that the plan could not be evaluated because it did not indicate its purpose. We are preparing a formal revision of the plan to meet that comment. But I believe it will be redundant of that which you

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already know. That is, we do not have any reason to suspect that the 2378-TCDD resulted from waste oil contaminated with 2378-TCDD or from incineration. It came from incidental surface spillage of materials used by Monsanto Co. in production of Agent Orange. There was no intended disposal of 2378-TCDD or related materials on site to the best of our knowledge. The 17 surface and subsurface samples and 2 sewer samples that were described in the quality assurance plan were determined from EPA's (Norm Niedergang's) suggestions for locations that would, in conjunction with previous sampling, better characterize the vertical and lateral extent of contamination. The results will also indicate whether there is reason to suspect that the 2378-TCDD has migrated to any significant extent into the subsurface.

We agreed to construct the surface of the asphalt under the tanks to slope to an easily visible point so that leaks, if any, can be detected.

Although we believe that the construction project that we described will be sufficient to contain the 2378-TCDD in place, we recognize that information developed in the additional studies may dictate a different result. We think it unwarranted to prejudge the data that may be accumulated. Suffice it to say that if, after the construction project is completed, there is an imminent and substantial endangerment, due to a release or threatened release from the Edwin Cooper, Inc. facility, we would work with you to define appropriate remedial actions.

Respectfully yours,

ETHYL CORPORATION

By: David C. Bach
Assistant Counsel

DCB:nm